

Message Text

CONFIDENTIAL

PAGE 01 SAN JO 02463 091837Z

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ACTION SS-25

INFO OCT-01 ADP-00 SSO-00 NSCE-00 /026 W

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O R 091813Z JUL 73

FM AMEMBASSY SAN JOSE

TO SECSTATE WASHDC IMMEDIATE 4513

INFO AMCONSUL NASSAU

C O N F I D E N T I A L SAN JOSE 2463

EXDIS

E.O. 11652: GDS

TAGS: PGOV, PFOR, CS

SUBJECT: EXTRADITION: ROBERT VESCO

REF: (A) SAN JOSE 2427; (B) STATE 133272

1. WE WERE NOTIFIED THIS MORNING AT 10:00 A.M. LOCAL TIME THAT THE FIRST PENAL JUDGE TODAY REJECTED OUR REQUEST FOR REVOCATION OF HIS ORDER OF JUNE 22 BUT ACCEPTED OUR REQUEST FOR APPEAL TO THE SEGUNDA SALA PENAL. OUR CASE IS THEREFORE STILL ALIVE.

2. IN DEFENSE OF HIS DECISION NOT TO REVOKE HIS EARLIER ORDER, THE JUDGE ARGUED VIGOROUSLY IN HIS DECISION THAT THE ALLEGED CRIME AS SET FORTH IN THE U.S. INDICTMENT-- AND MORE SPECIFICALLY IN THE ORDER OF ARREST--IS MERE USE OF THE WIRES WITH THE INTENT TO DEFRAUD, A CHARGE WHICH IS NOT COVERED IN THE EXTRADITION TREATY NOR COSTA RICAN PENAL CODE.

3. ODIO IS PREPARING A SUPPLEMENTARY MEMORIAL WHICH I WILL PRESENT TO SEGUNDA SALA THIS WEEK TO SUPPORT THE "NEW FOCUS" ON FRAUD INSTEAD OF IMPROPER USE OF WIRES WHICH WE HAVE BEEN TRYING TO GIVE THIS CASE BUT WHICH FIRST PENAL JUDGE HAS NOT ACCEPTED.

4. PLEASE INFORM AMBASSADOR VAKY OF THIS DEVELOPMENT.
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HE MAY BE REACHED AT 512-991-5071 OR 512-852-1193,

CORPUS CHRISTI.

5. RE REF (B), PURSUANT CONSULTATIONS WITH FACIO WE
DID NOT CONSIDER IT NECESSARY FOR AMBASSADOR TO EXECUTE
POWER OF ATTORNEY PRIOR TO HIS DEPARTURE. FACIO HAS
INFORMED COURT OF AMBASSADOR'S DEPARTURE AND MY
COMPETENCE TO ACT IN THIS CASE.
LANE

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NNN

Message Attributes

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